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ABSTRACT

The history and current problems of adoption services provided by the state of New York are discussed. First, statutory reforms since the creation in 1968 of the nation's first statewide adoption subsidy program are reviewed and adoption services aimed at providing permanent homes for children in foster care are described. Subsequently, the state's failure to implement statutory reforms as well as persistent problems presenting barriers to adoption are discussed. The focus of the review next shifts to a discussion of incentives for improving the state's adoption record. It is proposed that the state legislature appropriate funds for marketing research and advertising in order to (1) develop and distribute profiles of children who are legally eligible for adoption, (2) develop profiles of prospective adoptive individuals and families, (3) develop comparative profiles of foster families which adopt children and those foster families which do not, (4) initiate a statewide recruitment effort for families for children awaiting adoption, (5) centralize responsibility for coordinating recruitment acitivities, and (6) centralize responsibility for coordinating follow-up services. In conclusion, inadequacies of current and proposed methods of reimbursement for adoption services are pointed out and two alternative approaches to paying agencies for providing adoption services are described. A multi-payment approach to reimbursement is recommended. (Author/RH)

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Our Children are Waiting for Adoptive Homes

A Review of New York State Adoption Services

by
Honorable Joseph R. Pisani, Chairman
Senate Subcommittee on Child Abuse
Former Chairman, Temporary State Commission on Child Welfare

January 1, 1982

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"IT IS TIME TO EMPLOY

AGGRESSIVE MARKETING TECHNIQUES FOR

THE PLACEMENT OF CHILDREN"

SENATOR JOSEPH R. PISANI

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EXECUTIVE SUMMARY

The decade of the 1970's was a period of sweeping legislative reform in the area of foster care, adoption services and related concerns. Spearheaded by the Temporary State Commission on Child Welfare, the Legislature executed a drastic revision of the foster care and adoption systems. Its work has become a model for action by other states and the U.S. Congress. Significant changes include a recodification of the laws freeing children for adoption; an expanded, uniform and statewide adoption subsidy program; creation of a State Adoption Service in the State Department of Social Services; judicial review of the foster care status of children, creation of a statewide computerized foster care information system, the Child Care Review Service, to provide better monitoring of the progress of children in foster care and facilitate their adoption when appropriate; and the Child Welfare Reform Act of 1979 which included a sweeping mandate of preventive services to children and their families, enriched State reimbursement for adoption services, mandated the promulgation of uniform standards governing approval of adoptive applicants, and otherwise facilitated the provision of adoption services through the creation of a comprehensive planning and accountability structure for child welfare services in localities throughout the State.

Notwithstanding this legislative progress, the State has been woefully slow in implementing statutory change. Too many children who should be placed for adoption still remain in foster care. The proportion of adoptions in the foster care population has remained virtually unchanged.

The need for legislative remedies to promote adoption has been met, and the time has arrived for the Executive Branch to address the critical need to promote permanence for thousands of children through adoption by affirmative administrative action. New initiatives and aggressive coordination efforts are needed. I recommend that the State Department of Social Services adopt established marketing techniques to raise public awareness of the thousands of children available for adoption and to encourage individuals to consider adoption. To facilitate this objective, I urge the Legislature to appropriate funds for marketing, research and advertising to enable the Department to contract with a qualified market research firm to initiate the following measures: development and distribution of profiles of legally free children; development of profiles of the characteristics of prospective adoptive individuals and families; development of comparative profiles of foster families which adopt, or seek to adopt, children and those foster families which do not; and initiation of a statewide recruitment effort for families for children awaiting adoption.

Further, I recommend that the Department of Social Services explicitly undertake primary responsibility for developing and overseeing the implementation of such marketing approaches and strategies, to assure coordination of efforts and to prevent waste and duplication. Similarly, follow-up services should also be centralized in the Department to ensure that individuals inquiring about adoption are encouraged to pursue their interests. In addition, I urge the

State to provide for the establishment of additional adoption agencies to be operated primarily by and for minority groups.

Finally, I recommend that the Department develop a multi-payment approach to encourage agencies to actively recruit homes for hard-to-place and handicapped children. This approach should be based upon the actual costs of providing adoption services.

It is unreservedly the public policy of the State to encourage and facilitate the securing of permanent adoptive homes for children whenever possible. And as the problems of foster children in need of permanent adoptive homes become ever more complex, our adoption services efforts must become more creative and aggressive in commitment and approach. In attempting to meet the dictates of public policy, New York must no longer be tied to time-honored and now shopworn solutions. New initiatives must be taken, new attitudes and orientations to serve children's needs need to become part of the fabric of the child welfare system. Our children demand nothing less.

PREFACE

The 1970's produced major statutory reforms in New York State to remove barriers to the adoption of thousands of children. These reforms were a consequence of rising public concern for neglected and dependent children placed in institutions, group homes and foster families away from their parents for extended periods of time. The public had begun to realize that none of these placement alternatives satisfied the basic need of all children for the warmth, security and stability of a permanent home.

By the mid-1960's, social services officials in New York State had over 50,000 children in their care and custody. A substantial number of these children retained ties to their families which were marginal, at best. Visits between child and parent tended to become rare, as the duration of a foster placement grew longer. While surviving family ties grew increasingly tenuous, ties to foster parents were, by nature, limited and often transitory. Children frequently experienced multiple moves among foster placements; thus, no lasting ties developed during their formative years.

As public concern mounted, it became clear that there was a different, multi-faceted approach which would constitute a preferable alternative in most cases to long-term foster care:

1. To avert foster placements of children when possible through provision of services to prevent their original removals from home;

2. To return children home from foster care expeditiously; and

3. When return of the child to his or her family was not possible and the child's parents demonstrated no ability or interest in reuniting the family, to sever parental ties legally and place the child with a suitable adoptive family.

The State amended its laws to facilitate implementation of these three alternatives. The attainment of the third alternative, placing foster children in adoptive homes, posed a challenge to those adoption agencies which traditionally limited their efforts to matching homeless infants and toddlers with suitable adoptive applicants. But, during the very period when a policy consensus was being reached identifying adoption as a preferred goal for children isolated in foster care, the characteristics of those included in the pool of children available for adoption were changing radically. Only one-third were Caucasian*; two-thirds were ten years of age or older**; and many of those were physically and/or mentally disabled.***

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* In 1975, of 2097 children listed as available for adoption by the New York State Adoption Exchange, one-third were Caucasian. On December 31, 1980, the State Department of Social Services reported that 33.6% of children with the goal of adoption were Caucasian, and over half were Black or Hispanic.

** Source State Department of Social Services as of December 31, 1980.

*** Source: Welfare Research, Inc., An Adoption Overview: A Changing World, (June, 1977).

As early as 1968, with the enactment of the first adoption subsidy statute in the nation, New York State embarked on a course of child welfare reform and, simultaneously, established itself as a national leader in the field of adoption. The creation of the Temporary State Commission on Child Welfare by the enactment of Chapter 1064 of the Laws of 1974 accelerated progress toward amending statutes to stimulate the redirection of a child welfare system fixated on foster care to one clearly focused on finding permanent homes for children.

Enactment of the Child Welfare Reform Act of 1979, at the Commission's initiative, represented the culmination of over a decade directed at adoption reform. This Act underscored good implementation of already existing laws aimed at promoting adoption. Among other things, the Act revised the method of paying for child welfare services, making it not merely financially feasible but downright attractive for agencies to provide the services necessary to keep children in their family homes or to place those trapped in the limbo of foster care in adoptive homes.

While any assessment of the impact of the Child Welfare Reform Act would be premature at this time since it has not yet been fully implemented, many other statutory measures were enacted between 1968 and 1979 to create appropriate alternatives for those children who come to the attention of public and voluntary agencies providing child welfare services. These statutory changes which occurred through the 1970's can and should be evaluated in their own right to strengthen the ability of the State Department of Social Services to implement and monitor the application of the provisions of the

Child Welfare Reform Act. What are these measures? What has been accomplished since they were enacted? Has the State's goal of providing permanent, adoptive families for children without families been attained?

STATUTORY REFORMS

Introduction of Adoption Subsidies

The creation in 1968 of the nation's first statewide adoption subsidy program marked a shift in public policy toward foster children. The public now supported the provision of permanent homes for children long viewed as the Children of the State, destined for childhoods spent away from their homes. The original adoption subsidy statute empowered social services officials to make payments to foster parents who adopted a child or children who had been placed in their care. In essence, this statute enabled foster parents who would otherwise not be able to assume the financial burden of adoption to become the legal parents of children for whom they had been caring, in many instances, for much of their childhood. By facilitating these adoptions, both the child and the adopting family were assured of a permanent relationship.

The introduction of public funds to subsidize adoptions reflected a new public attitude toward adoption, as well as foster care. Until the late 1960's, both the public and child welfare agencies traditionally viewed adoption as a middle and upper class phenomenon. Couples in income brackets which allowed them to afford the costs related to adoption and childbearing adopted; all others did without. For infertile couples, particularly, adoption was a welcome option.

The State's 1968 action made possible the adoption of foster children by families previously unable to afford adoption. The Legislature gradually expanded the subsidy program to make possible the adoptions of increasing numbers of foster children. From 1971 to 1974, four significant amendments were made to the statutes which broadened the availability of adoption subsidies by, among other things, providing cash subsidies to income eligible families and medical subsidies to families adopting handicapped children, regardless of the families' incomes.

A 1977 review by the Temporary State Commission on Child Welfare of 211 cases records of subsidized adoptions in eleven agencies throughout the State indicated that the availability of adoption subsidies, in fact, had promoted permanent placement of school-aged and handicapped children. The average age of the children in the case records reviewed was 8.5 years at the time of their adoption; two-thirds had been in foster care for five or more years prior to their adoptive placements; approximately one-half had one or more physical, emotional or mental disabilities which required expensive or unusual medical treatment; and approximately 65 percent were non-white. The families who adopted with subsidies had a median gross annual income of about $10,000, were largely foster parents (89 percent), were married (only 15 percent were single), and, on an average, had completed their junior year of high school. Of the subsidies granted, 44 percent were for maintenance needs only; 47 percent were a combination of maintenance and medical subsidies; 13 percent were medical only.

The data clearly indicate that the adoption subsidy program made possible the adoption of hard-to-place children by families not otherwise able to adopt.

The data, however, reflected only a part of the picture. While implementation of the adoption subsidy was slow initially, it has gained momentum. As the table below indicates, from 1969 to 1975, the proportion of children in the care of social services agencies who were adopted with subsidies grew from 3 percent to 29 percent of the total number of agency adoptions.

TABLE 1

SUBSIDIZED ADOPTIONS IN NEW YORK STATE*

1969 - 1975

Calendar Years	Subsidized	Total Adoption of Children In the Care of Social Services Officials (Agency Adoptions)	Percentage of Total Adoptions With Subsidy
1969 - 1971**	529	16,670	3%
1972	467	3,032	15%
1973	490	2,680	18%
1974	645	2,513	26%
1975	717	2,468	29%

*Source: New York State Department of Social Services

** Not available for individual years.

Despite the overall growth of the adoption subsidy program, the Commission's 1976-1977 review identified inconsistencies among the State's 59 social services districts in their use of adoption subsidies.

Disparate practices in granting subsidies found by the Commission, stemmed largely from the fact that the initial 1969 adoption subsidy statute authorized, rather than required, social services officials to grant subsidies in the situations it covered.

To assure program uniformity statewide, as well as equal access to adoptive homes for hard-to-place and handicapped children free for adoption, regardless of their county of residence, the Temporary State Commission on Child Welfare introduced legislation, enacted as Chapter 865 of the Laws of 1977, to ensure adoption subsidies are made available uniformly to eligible children and families. The statute provided that families adopting handicapped children are entitled to both medical and maintenance subsidies, regardless of the families' incomes. Families adopting hard-to-place children were entitled to a maintenance subsidy based on a sliding income scale. (This means test was eliminated by legislation enacted this year.) Chapter 865 allowed adoptive applicants the right to a fair hearing if they felt their application to adopt was unjustly denied. At the same time, to alleviate concerns of localities about the potential fiscal burdens of the increased availability of subsidies, the State increased its contribution toward the cost of subsidies from 50 to 75 percent.

The impact of the 1977 adoption subsidy liberalization can be traced to its implementation in 1978. As the Table II reflects, the number of adoptions with subsidies of children in the care of social services officials will exceed 50 percent, which is a marked increase from the 29 percent level in 1975. Yet, notably, the absolute number of agency adoptions decreased from an annual average of nearly 2,700 from 1972 to 1975 to an annual average of about 1,900 from 1978 to 1980. This reduction may be reflective of the increasing numbers of older and handicapped children becoming available for adoption.

TABLE II

SUBSIDIZED ADOPTIONS IN NEW YORK STATE*

1978-1980

Calendar Years	Subsidized	Total Adoption of Children In the Care of Social Services Officials (Agency Adoptions)	Percentage of Total Adoptions With Subsidy
1978	1,017	1,829	55.6%
1979	1,239	2,069	59.9%
1980	1,109	1,859	59.7%

*Source: New York State Department of Social Services, May, 1981

Adoption Services

The State's efforts to ensure the placement of children in permanent homes did not cease with the establishment of an adoption subsidy program. In fact, the creation of the subsidy program represented only the first of many far broader activities aimed at securing homes for children assigned to the care and custody of social services officials.

In 1971, New York State again established itself as a national leader in the child welfare arena by enacting Chapter 97 which added Section 392 to the Social Services Law to require a judicial review of the foster care status of children who remained in foster care for 24 months. The first state in the United States to establish a mechanism for judicial review of the quasi-parental activities of child care agencies, New York permitted the Family Court to order an agency to return a child home, to continue foster care and, most significant for its adoption program, to institute proceedings to terminate parental rights and to place a child in an adoptive home.

Subsequent amendments to Section 392 have sharpened its intent to prevent children from getting lost in what is often characterized as the "limbo" of foster care. The statute now requires a court review of the status of a child's placement 18 months after the child enters care and at least every 24 months thereafter.

Also in 1971, with the enactment of Chapter 47, New York State created a Statewide Adoption Exchange in the Department of Social Services to serve all authorized child care agencies, in identifying possible adoptive homes on a statewide basis for children not placed in their own communities. The statute required agencies to refer to the Exchange all children for whom adoptive placements had not been found

within six months of legal freeing for adoption. Authorized agencies were also required to refer to the Exchange approved adoptive applicants who had not had a child placed with them within six months of their approval.

With the enactment of this statute, the Legislature intended to reach a larger number of potential adoptive families for the large number of children awaiting placement in permanent homes. Until the Exchange was created, no method existed to disseminate information on a statewide basis about children legally free for adoption nor about families waiting to adopt. Yet, by late 1974, the Exchange had proved to have only limited success in matching children with families. As of October, 1974, 2,087 children and 1,265 approved adoptive families were registered with the Exchange, and the Exchange had effected direct placement of only one percent of the children registered.

Regional exchanges, particularly one established by the Council of Adoptive Parents of Rochester in 1972, demonstrated far greater success than did the Statewide Adoption Exchange. Through a picture-listing of children available for adoption (similar to real estate multiple listing publications), which included descriptions of the children, the Council registered and appealingly displayed 373 children in its first two years of operation; 97 of these children (26 percent) were placed in adoptive homes.

The obvious failure of the Statewide Adoption Exchange to meet its mandate to find adoptive homes for waiting children can be attributed to a number of factors. Most apparent was the glaring disparity between the characteristics of the registered children

and the types of children sought by prospective adoptive parents. In October, 1974, only 266 (13 percent) of the children displayed were five years of age or younger, while 1,071 (84.6 percent) of the families registered expressed a preference for children four years of age or younger. Over half, (1,135, or 54 percent) of the children were Black, while less than 6 percent of the families indicated a willingness to consider adopting a Black child.

Yet, the Council of Adoptive Parents of Rochester had found adoptive homes for children with such characteristics. For example, 71 percent of the children for whom this organization secured permanent homes were school-aged and 27 percent were ten years of age and older. The group included a mix of children with such severe physical handicaps as hydrocephalus, cerebral palsy, blindness, deafness and mental handicaps. Teenagers and children of all racial backgrounds were among those placed.

Perhaps operational difficulties impaired the potential of the Exchange. Information provided under its auspices often proved outdated or inaccurate. The Exchange operated within the confines of a bureaucracy, far removed from the children in need of families and the families seeking them. In fact, the Exchange mainly served as a record-keeping organization for the State Department of Social Services. It failed to stimulate the recruitment of families interested in adopting available children.

With the enactment of Chapter 702 of 1975, the State Adoption Service was created in an attempt to revitalize the State's involvement in providing adoption services. Drawing on the success of the Rochester Council of Adoptive Parents in recruiting adoptive families, the statute required adoption agencies to register by photo listing

all children legally free for adoption who had been in foster care for three months. Significantly, the statute permitted the omission or deferral of children from inclusion in the Adoption Service's picture listing based on criteria developed by the New York State Department of Social Services.*

The 1975 statute provided for more than a picture listing of children freed for adoption. It further mandated that the Adoption Service: monitor agencies to assure that children are listed on a timely basis; coordinate services among counties to facilitate inter-county adoptions; receive and refer inquiries about listed children to the agency with which a child was placed in foster care; provide necessary training to caseworkers providing adoption services; and screen reasons for omitting children from picture listing.

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* The State Department of Social Services developed the following criteria for deferral of children from picture listing (see Administrative Letter 76 ADM-13, issued in 1976):

(1) There was reason to believe that a home could be found quickly because either the child is very young and healthy or foster parents were considering adoption;

(2) Diagnostic study was required to clarify the child's problems (90 days were allowed for completion of diagnostic procedures);

(3) The need for hospital or institutional care precluded planning for placement in an adoptive home;

(4) The child was 14 years or older and refused to consent to adoption; or

(5) Adoption was not in the best interest of the child.

On March 31, 1976, the Department published the first bi-weekly issue of New York State's Waiting Children. After seven months of operation, 3,921 legally free children were registered with the State Adoption Service. Of these, only about 20 percent (784 children) were photo-listed. At that time, the data collected by the Service indicated the following characteristics of registered children: (1) 50% were Black; (2) 35% were White; (3) 12% were Hispanic; and (4) 75% were over five years of age. Between March and October 1977, the Service reported 93 adoptive placements of the 3,321 children registered. Since the first publication four years ago of its picture listing, the Service has included an average of 800 children in each bi-weekly issue. A total of 2,285 children have been picture-listed in this four year period; of these, 1,103 have been adopted.*

Following the creation of the Adoption Service, the Temporary State Commission on Child Welfare initiated an extensive study of problems which prevented adoptive placements. The study resulted in recommendations to improve adoption services, as well as the 1977 reforms of the State's adoption subsidy program discussed earlier. The Commission's findings are described in detail in its report, Incentives to Adoptive Placements, published in February, 1977.

Among its recommendations was one which resulted in the addition of Section 372(d) to the Social Services Law, which provided the State Department of Social Services new power and responsibility for both overseeing and coordinating adoption services. The statute

*From an unpublished presentation by Hanna Grossman, State Department of Social Services, at the Adoption Action Institute, on May 27, 1980, sponsored by the State Communities Aid Association. The State Department of Social Services announced in November of this year that the aggregate number of picture-listings published to date was 3,336. The corresponding number of children placed for adoption over the last five years was 1,653, an additional 550 children since the presentation noted above. Exactly how many of the children placed for adoption had their adoption concluded during the same period was not reported.

empowered the State Department of Social Services to directly provide or purchase such services when agencies failed to place children for adoption within three months after their referral to the Adoption Service. In these instances, 50 percent of the costs of the service would be charged back to the local district, after application of federal aid. If the local district failed to make reasonable efforts to place the child and the Department successfully recruited an adoptive family, the amount charged back to the local district increased to 75 percent after application of federal aid. Despite the large number of children with adoption as an identified goal, who remain in foster care for prolonged periods, the Department has never used the authority provided it under this statute.*

The enactment of Chapters 610 and 611 of the Laws of 1979, the Child Welfare Reform Act, marked the culmination of over a decade of concerted efforts by the Legislature to eliminate barriers and to facilitate the assurances of permanence to foster children. The Act reflects the State's commitment to permanence for children in its objectives:**

1. To prevent foster placements of children through resolution of family and child-related problems which might otherwise result in placement;

2. To expedite return of foster children to their families through development and implementation of meaningful plans to remedy the difficulties that affected the placement;

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* For additional commentary see page 51.

** These objectives are listed in the New York State Department of of Social Services report, Child Welfare Reform Act Implementation Report 1980, Issued January, 1981.

3. To provide foster children with permanent homes through adoption when returning to their own homes is not possible; and

4. To provide long-term care in the most appropriate setting to those children for whom neither adoption nor return home is possible or in the child's best interest.

With the enactment of the Child Welfare Reform Act, the State made a financial, as well as an ideological, commitment to achieving these objectives. Enriched funding to local social services districts for services to prevent foster placements and for adoption services makes possible and attractive a shift in emphasis by agencies from foster care to a broader range of services to promote "permanence" (i.e., placement of a child in a secure home on a long-term basis).

Further, the statute mandates application of fiscal penalties against local social services districts not in compliance with statutory provisions intended to enhance children's opportunities for permanence. Some of these sanctions impact directly on the provision of adoption services. For example, sanctions must be levied when districts fail to request a timely Family Court Review of a child's foster care status pursuant to Section 392, or to institute a proceeding to free a child for adoption when ordered to do so by the Family Court, or to refer a child to the statewide Adoption Service. To ensure agency compliance with such statutory requirements, the Child Welfare Reform Act requires that the State Department of Social Services develop a uniform case recording format and review these records as part of a comprehensive utilization review process.

The Child Welfare Reform Act also addresses directly gaps in adoption services. Significantly, only three years after its creation, observations by adoption administrators and advocates resulted in the identification of several shortcomings of the Adoption Service as well as in the provision of adoption services by public and private agencies alike. Much like its predecessor, the Adoption Exchange, the Service had remained an understaffed clearing house which served largely as a mere registry of children free for adoption.

The picture book included pictures of less than 15 percent or (829 of some 6,700 children). Reports by caseworkers and adoptive applicants alike indicated that prospective adoptive families were not shown the picture book when considering the range of available children. Adoptive applicants waited months and frequently years before they received any notice about whether their application was accepted and whether they qualified to adopt. After approval, adoptive applicants often waited years to have a child placed in their homes, even when they wanted to adopt a hard-to-place (i.e., school-aged, handicapped) child.

The Child Welfare Reform Act offered statutory remedies to these problems. For example, fair hearings are now required to allow adoptive applicants an opportunity formally to appeal to the State Department of Social Services for action if their application has been denied or if it has not been acted upon within six months. Also, the Act mandates that the State Department of Social Sevices promulgate standards that must be followed by adoption agencies in evaluating adoptive applicants.

Freeing Children for Adoption

In 1975, the Temporary State Commission on Child Welfare responded to a growing concern that, among the then almost 49,000 children in foster care, were some for whom a permanent family would never be made available. These were children with lingering legal ties to families which had virtually abandoned them either before or after their entry into the foster care system. With no realistic hope of returning home or of becoming legally free to be adopted, these children were deprived of an opportunity to find permanence through adoption.

As noted earlier, in 1971, Chapter 97 (Section 392 of the Social Services Law) was enacted to provide that the Family Court review the activities of child care agencies and order an agency to, among various options, institute proceedings to terminate parental rights. Despite this review and monitoring process, few children were freed for adoption. Between July 1, 1973 and June 30, 1974, fewer than 1,000 children throughout New York State were freed as the result of permanent neglect or abandonment proceedings, the major grounds available to free children whose parents were unwilling or unavailable to surrender voluntarily their legal guardianship and custody.* These data indicated either that something was wrong with the laws, their interpretation or implementation.

As the result of its 1975 review of the statutes, the Commission made a number of significant statutory and administrative recommendations to facilitate the freeing of children for adoption. The

*Data Source: Legislative Commission on Expenditure Review, Foster Care for Children (May, 1975).

enactment of Chapter 666 of the Laws of 1976, the legislative proposal which resulted from the Commission's study, recodified virtually all grounds for termination of parental rights under a single statute. The Commission's proposal to the Legislature incorporated, for the first time, a statement of legislative findings and intent which highlighted the Legislature's paramount concern in establishing such procedures to promote the best interests of children.*

The Commission's efforts to insure implementation of the provisions of Chapter 666 were continued following enactment of the statute. Using funding provided by the State Department of Social Services, the Commission developed a detailed and easily understood training curriculum for caseworkers to assist them in identifying situations appropriate for initiating a proceeding to terminate parental rights, in maintaining records to support an action, to prepare them as witnesses in court, and to explain the legal standards and terminology simply and directly.**

Child Care Review Service

Concurrent with the creation of the Statewide Adoption Service in 1976, the Legislature created the Child Care Review Service to track and monitor the placements of children outside their own homes. Based on a national model, the Children and Youth Centered Information Service, the legislation mandated establishment of a computerized information service to effectuate the goals of: case planning; case management and supervision of child care agencies; supervision and

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*Source: Temporary State Commission on Child Welfare, Barriers to Freeing of Children for Adoption (May, 1976).

**Source: Temporary State Commission on Child Welfare, Training Curriculum on Freeing Children for Adoption (June, 1979).

evaluation by State agencies of child care agency performance; planning and policy-making by State agencies, the Governor and the Legislature; meeting judicial review requirements of State Law; reducing the need for manual preparation of forms; and meeting federal Social Security Act reporting requirements.*

In enacting the Child Care Review Service law, the Legislature intended to create an increased State capacity to identify difficulties in securing appropriate placements for children, including adoptions, and to facilitate remedies. Again, New York State was the national leader in providing for the establishment of such a service. As with adoption subsidies, adoption services, periodic judicial review of foster care, elimination of the barriers to free children for adoption and the Child Welfare Reform Act, the New York State Legislature assumed a decisive and forward-thinking course of action in creating programs and services to facilitate permanence for children. So successful was its effort that the Child Welfare Reform Act, which built on a decade of forethought and experience, and the Child Care Review Service, served as models for H. R. 3434, the Adoption Assistance and Child Welfare Act, enacted by Congress in 1980 as PL 96-272.

Source: Temporary State Commission on Child Welfare, Children of the State II (October, 1976).

IMPACT IN PRACTICE

A decade of fundamental statutory reform of the child welfare system closed with the enactment of the Child Welfare Reform Act. The Legislature responded to the public goal of permanence for children by clearly expressing this goal in a progression of amendments to the statutes of New York State. Only that portion of them which directly impact on adoption services have been cited here.

Despite the clear articulation of the public mandate for permanence for children through adoption by creation of fiscal and programmatic incentives, the future for foster children remains gloomy. In December, 1973, according to the State Department of Social Services, a total of 48,798 children were in foster care in New York State: 28,434 in New York City; 20,364 in the rest of the State.* In December, 1979, a total of 41,626 were in foster care: Over 25,300 in New York City; almost 21,000 in the rest of the State. While this decrease of almost 7,000 children (about 15%) appears encouraging on initial review, the absolute child population is also declining at a notable rate. For example, the number of children under 18 in New York City declined by 16% between 1970 and 1976. Yet, the decline in its foster care population in this six year period was only eight percent.

A further review of the data indicates that the State's performance in the adoption arena also fails to reflect implementation of statutory reforms. The number of adoptions of legally freed children in the care of social services officials has declined in the past several years. Even allowing for its disclaimers about data

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*New York State Department of Social Services, Statistical Supplement to Annual Reports.

accuracy* the picture of the provision of adoption services offered by data reported to the State Department of Social Services proves a dismal one. In 1974, over 2,500 adoptions of children in the care of social services officials were completed. Six years later, in 1980, subsequent to the enactment of statutes creating the Statewide Adoption Service and the Child Care Review Service, recodifying and clarifying provisions for terminating parental rights, enriching the State's Adoption Subsidy Program and, revitalizing the entire child welfare system, only 1,859 such children were adopted.

Defenders of the State's efforts might argue that the reduction in the number of children adopted is related to a declining foster care census or to a decrease in the number of children free for adoption. Neither argument is valid. In fact, the proportion of adoptions in the foster care population has remained virtually unchanged over the past three years, as the table below illustrates:

TOTAL ADOPTIONS COMPARED TO

FOSTER CARE CENSUS**

TOTAL ADOPTIONS OF CHILDREN IN CARE OF SOCIAL SERVICES OFFICIALS	TOTAL FOSTER CARE POPULATION	PERCENT OF ADOPTIONS/FOSTER CARE POPULATION
1978 - 1,829	43,751	4.1%
1979 - 2,069	41,626	4.9%
1980 - 1,859	39,923	4.6%

*According to State Department of Social Services staff, the Department's statistical reports may be incomplete. The Department staff has noted that poor reporting by local social services districts to the Department when the State implemented the Child Care Review Service may have resulted in an underestimate of adoptions completed, especially in upstate counties.

**Source: New York State Department of Social Services: Data as of December 31st for each of the years cited.

A comparison of the number of children adopted with the number of children legally free for adoption also indicates a lack of improvement in the State's adoption record. From 1978 to 1980, as the table below illustrates, less than 30 percent of those children legally free for adoption achieved the permanence of adoption:

TOTAL ADOPTIONS COMPARED TO

TOTAL CHILDREN FREE FOR ADOPTION*

TOTAL ADOPTIONS OF CHILDREN IN CARE OF DEPARTMENT OF SOCIAL SERVICES	TOTAL NUMBER OF CHILDREN FREE FOR ADOPTION	PERCENT ADOPTIONS OF CHILDREN LEGALLY FREE
1978 - 1,829	6,672	27.4%
1979 - 2,069	6,940	29.8%
1980 - 1,859	6,548	28.4%

In 1980, a total of 8,301 children in the care of social services officials had a stated goal of adoption. Some of these children had not yet been legally freed for adoption; however, some planning for adoption had been initiated. Unfortunately, if the rate of adoptions fails to change, the goal will be achieved for too few of these children. The remainder will reach adulthood without parental ties.

The number of subsidized adoptions has grown since the 1977 reforms were enacted. Prior to the enrichment of the adoption subsidy program, no statewide standards governed the availability of subsidy and no administrative recourse was available to aggrieved would-be adoptive families. In fact, subsidies were granted in less than 30 percent of adoptions.** By 1978, over half of all adoptions (55.6

*Source: New York State Department of Social Services: Data as of December 31st for each of the years cited.

**In 1974, of 2,513 adoptions, 645 (26 percent) involved subsidies; In 1975, of 2,468 adoptions, 717 (29 percent) involved subsidies.

percent) involved subsidies. In both 1979 and 1980, subsidies were provided in almost 60 percent (59.9 percent and 59.7 percent respectively) of agency adoptions.

A glaring example of the State's failure to implement statutory programs, is the photo-listing of waiting children. The Child Welfare Reform Act mandated that every child free for adoption and in foster care for over three months be photo-listed by October 1, 1979.* Yet, as noted earlier, the April 10, 1980 issue of Waiting Children included only 829 children of the approximately 6,700 legally free children notwithstanding the fact that adoption was the stated goal for approximately 5,000 of them. Even if, as the State Department of Social Services claims, about 3,000 of these children were in pre-adoptive homes awaiting adoption, almost 1,200 children free for adoption, with an articulated goal of adoption, had still not been photo-listed.

Persistent Problems Present Barriers to Adoptions

Legislators, adoptive parent groups, child advocates and the public at large share the frustration over this lack of activity within the State to achieve the goal of placing its homeless children in adoptive homes. Despite statutory remedies, changes in the delivery of adoption services have occurred painfully slowly, which has been attributed largely to the lack of dedication and leadership by the State Department of Social Services in insuring full implementation of statutory changes regarded as models for federal legislation. In fact, the decade of statutory reforms for the

*With the exception of 14 year olds who refuse to be considered for adoption.

State's children ended much as it started. Over 8,000 of the almost 40,000 children in foster care have adoption as their eventual plan. Yet, less than 2,000 are adopted annually, while the majority wait in foster care. In fact, data indicate the majority of children for whom the goal is adoption will wait a long time. (Seven years is the average length of time these children spend in foster care prior to adoption.) Some children will never be adopted.*

According to Families for the Future, and the New York City Coalition for Children, the track records of the State Department of Social Services and child care agencies are spotty at best. Undeniably, change in practices and policies requires time and effort; however, only traces of the impact of statutory amendments can be noted. The situation for children awaiting adoptive placement has grown no better.

Programs were developed to remove obstacles to the adoption of children. Yet, repeated complaints are heard from adoptive applicants that obstacles have not been removed. Children continue to be trapped in the uncertainties of the foster care system and are deprived of the right to permanence repeatedly granted by statute.

The Legislature has already acted in this critical human services area. The time has arrived for the Executive Branch to address these problems head-on and to correct them, through further

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*These data were included in a 1980 proposal for an "Omnibus Adoption Bill for Hard-to-Place Foster Children" prepared by a statewide adoptive parents group, the Citizen's Coalition for Children.

administrative action at the State and local level. Otherwise, children in adoptive placements will continue to experience the likely psychological injury of long term foster placements averaging seven years before permanence is achieved.* A more fortunate group will find permanent homes more quickly, but another group will continue to languish as adulthood approaches.

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*The average length of placement for children for whom adoption is the goal far exceeds the average length of foster placement of over four years for all foster children.

The Child Welfare Reform Act provides needed impetus for significant improvement of the State's admittedly poor adoption record. Its addition of enriched State funding for adoption services and of financial sanctions of local social services districts which fail to comply with statutory mandates for provision of adoption services, its mandate for standardized criteria for evaluating adoptive applicants, its new appeals mechanism for adoptive applicants and a new utilization review process to ensure the development and execution of specific service plans for each child should leave local social services districts no alternative but to direct their efforts to locating adoptive homes for appropriate children.

With enactment of the Child Welfare Reform Act, the State Department of Social Services has proposed adoption regulations (new Section 421.1 of Title 18 of the New York Code of Rules and Regulations) to address adoption services comprehensively. For the first time, in these proposed regulations, the Department specifies detailed and concrete standards to guide adoption agencies in providing services both to individuals interested in adoption and children available for adoption. Unfortunately, the delayed compliance by the Department with the statutorily defined time-table for promulgation of adoption regulations hinders the implementation of standards upon which agencies can be held accountable for their performance in providing adoption services. While the statute required the Department to promulgate regulations by April 1, 1980, the Department had issued only its proposed regulations one year later and, as of September, 1981, these proposed regulations had not yet been adopted.

As agencies strive to meet the mandates of the Child Welfare Reform Act and accompanying regulations issued by the State Department of Social Services to establish permanent homes for children, increased efforts must be made to locate adoptive families for hard-to-place and handicapped children. Significantly, the Department's proposed regulations fail to delineate methods for publicizing and applying new marketing approaches in the adoption area. Development of effective techniques in these areas remains crucial if we are to assure that adoptive homes are available for children free for adoption.

The next section describes an approach to marketing adoption -- to aggressively initiate coordinated efforts to locate adoptive homes. A series of recommendations for improving the State's adoption performance, which should prove easily and inexpensively implemented, are included at the conclusion of the section.

Marketing Adoption

The word "marketing" is a distasteful one for many involved in providing adoption services. It conjures up unpleasant visions. Despite the word's negative connotations in the adoption area, however, established marketing techniques may contribute to the placement of children by heightening the public's awareness of the thousands of children without permanent homes and encouraging suitable individuals to consider adopting one or more of these children.

While at first glance, the conceptual worlds of marketing* and adoption appear to be far apart, the points at which they can be readily merged are identified easily. The conditions needed prior

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*Ban M. Enis, Marketing Principles: The Management Process, (Goodyear Publishing Company, 1974), defines management as "exchange activities conducted by individuals and organizations for the purpose of satisfying human wants."

to the initiation of successful marketing activities include: (1) unsatisfied wants, (2) products or services; and (3) the availability of channels for communication of products or services to those with unsatisfied wants.* When two or more parties with these prerequisites engage in exchange activities, marketing takes place.

In the adoption field, the general wants of interested parties are identical. That is the child without a family and the prospective parents each want a loving, secure family life. The child lacks parents, and the prospective parents lack a child (or in some cases, an additional child). The products these two parties offer for exchange are highly personal. They offer themselves to establish the family life they are seeking.

An indication of the present ineffectiveness of "marketing" of adoption is obvious in the absolute number of agency adoptions completed. In each of the past three years, only about 2,000 of the approximately 7,000 free children have been adopted. Clearly, aggressive efforts are required to locate families for children without homes if agencies are to meet the mandate of the Child Welfare Reform Act.

Data demonstrate that an overwhelming proportion of persons who adopt children in the care of social services officials were first the foster parents of the child they adopt. In 1980, according to information provided by the State Department of Social Services, 1,807 of the total of 1,859 adoptions of foster children (97.2 percent) were by their foster parents.** Because some adoptive

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*Ibid.

**This proportion of foster parent adoptions is similar to that in 1978, in which 92.5 percent of 1,829 agency adoptions were by foster parents, and 1979, in which 95.8 percent of 2,069 agency adoptions were by foster parents.

parents may become foster parents for the child they plan to adopt for a short period during which the necessary legal work is completed prior to an adoption decree, these data are inflated. But the data suggest that few adoptive parents are recruited from the overwhelming majority of the public which has had no prior involvement with the child welfare system.

Marketing and Promotion

Efforts to promote the adoption of hard-to-place and handicapped children reflect the inexperience of the public sector in marketing its services. Each adoption agency, according to current practice and the State's proposed adoption regulations, develops its own strategies for marketing adoption and recruiting adoptive parents. Advertisements, pamphlets and the photo-listing available through the Statewide Adoption Service may be used by agencies to supplement their promotional efforts. The result of relying largely on the efforts of individual agencies is a patchwork of uncoordinated and frequently competitive activities to locate interested and suitable families for children free for adoption. (This is not to say, of course, that a degree of competitiveness is not beneficial.)

The application of simple marketing principles promoting the adoption of handicapped and hard-to-place children by the State Department of Social Services and the agencies it licenses and regulates, may result in far more encouraging futures for these children without families. In applying such principles, agencies must recognize that the child and the prospective parents play the primary roles in the adoption/marketing framework. The agency plays a secondary, but crucial, role as the marketing decision-maker. In fact, the world of merchandising, promotion and advertising is a big responsibility of agencies.

Merchandising, defined as the policies and procedures which influence the manner in which the product (i.e., adoption) is presented to the public, represents a critical factor in developing a marketing strategy. For example, in the commercial arena, sports cars are often portrayed in bright "sporty" colors in an attempt to attract individuals from a particular segment of the market which prior market research had identified as being prime candidates for purchasing sports cars. The manufacturers select the advertising media and promotional strategies which they believe will capture the attention of those individuals.

In the adoption field, the participants and motives are different, but the goals are not dissimilar from those in the commercial field. The advertising and promotional activities of most adoption agencies also must attract the attention of a specific audience of prospective adoptive parents. Thus, for example, when graphic arts are employed in merchandising (photographs of children are most often used), every attempt should be made to emphasize the appealing traits of the children.

Promotion, defined as "communications that inform potential customers of the existence of products, and persuade them that those products have want satisfying capabilities",* attempts to attract the attention of the potential consumers of a service or product. Promotional activities are subdivided by the American Marketing Associations into four (4) categories:

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*Marketing Definitions: A Glossary of Marketing Terms. American Marketing Association, 1960.

Personal Selling - An oral presentation in a conversation with one or more prospective purchasers for the purpose of making a sale.

Advertising - Any paid form of nonpersonal presentation and promotion of ideas, goods, or services by an identified sponsor.

Publicity - The nonpersonal stimulation of demand for a product service or business unit by planting commercially significant news about it in a published medium or obtaining favorable presentation of it on radio, television or stage that is not paid for by the sponsor.

Sales Promotion - Those marketing activities, other than personal selling, advertising and publicity, that stimulate consumer purchasing and dealer effectiveness such as displays, shows and exhibitions, demonstrations and various nonrecurring selling efforts not in the ordinary routine.*

Most adoption agencies depend almost exclusively on the generosity of the media to provide free publicity for either a single child who is awaiting placement with an adoptive family or for the general concept of adopting a handicapped or hard-to-place child. The scope of adoption agencies' publicity and marketing efforts varies enormously, depending on the availability of resources, expertise and staff commitment to providing opportunities for adoption.

In 1980, staff of the Temporary State Commission on Child Welfare conducted a survey of the promotional efforts of 28 adoption agencies in New York City and Westchester County representing agencies responsible for a significant proportion of adoptions statewide. Each of these agencies conducted its own home-seeking activities to locate families interested in adopting hard-to-place and handicapped children. These activities include placing advertisements in the media (i.e., newspapers, radio and television), meeting with community and church groups, distributing newsletters and brochures, soliciting the assistance of professional and special-interest groups, placing posters in stores, and placing ads in subway cars.

*Ibid.

In general, the surveyed agencies noted the marginal success of such campaigns to solicit applications for adoption. These agencies relied on the use of public service announcements often broadcast at low viewer and listener times, accompanied by a very occasional feature story in newspapers. While their campaigns may have been initiated with the best of intentions and enthusiasm, they frequently reflected a lack of coordination and knowledge of the audience to be reached (that is, the characteristics of those most likely to adopt). Even worse, these recruitment activities also reflected a lack of information about the general characteristics of children available for adoption.

Waiting Children

Because responsibility for recruitment activities falls upon individual adoption agencies, recruitment efforts of the agencies are routinely directed at locating prospective adoptive parents for the handful of children in their immediate care and custody -- not to locating adoptive parents for the thousands of children statewide who are without families.

The value of fully understanding the characteristics of children in recruiting adoptive applicants was demonstrated in a Regional Adoption Program funded by the New York State Department of Social Services and operated by Parsons Home for Children in Albany. Two hundred children identified by agencies in counties surrounding Parsons were referred to that agency for adoptive placements. The average age of these children exceeded 11 years; they each had an average of four foster placements; 44 percent (88 children) suffered from a diagnosed medical problem; 25 percent (50 children)

had a diagnosed psychiatric or psychological problem; and 57 percent (114 children) had a behavioral problem identified by caseworkers. Despite these medical, emotional and behavioral problems, 80 of these children found adoptive placements through the project activities.* This innovative model might well be applied elsewhere in the State.

Yet, as previously noted, the State publishes a description of less than 20 percent of the children who are legally free in the State's photo-listing. In view of the individualistic thrust of agency efforts, no composite listing thus far has been provided to agencies to help them determine that recruitment activities should be directed toward locating homes for children with specific characteristics (e.g., age, handicap, ethnicity, etc.)

Expeditious implementation of the Child Welfare Reform Act will help correct this informational gap about the characteristics of children available for adoption. The photo-listings, which also include a narrative description of the child, provide such information to adoption agencies, as well as to adoptive parent groups. In addition, the proposed State adoption regulations would require agencies to:

> carry out recruiting efforts specifically directed at communities of populations which have ethnic, racial, religious or cultural characteristics similar to those of children identified annually by the Department as composing the largest number of waiting children... (Proposed section of Title 18 of the NYSCRR).

Thus, the onus for disseminating information about the characteristics of children is placed on the Department. However, the methods to be employed for promotion of the adoption of children and subsequent recruitment techniques remain undefined in this

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*Welfare Research, Inc., Evaluation of the Task of Regional Planning in Adoption, Final Report (January, 1978).

proposed regulation. As the proposal indicates, however, a first step involved in promoting adoption is to identify and aggregate the characteristics of the children involved.

Profile of Prospective Adoptive Parent

As essential ingredient to successful promotional and recruitment efforts requires the identification of those individuals and groups who are most likely to be interested in adopting children with the characteristics of those free for adoption. As the 1980 Temporary State Commission on Child Welfare staff survey indicated, many activities by adoption agencies have failed to locate appropriate prospective adoptive families for the children who were the subject of their recruitment efforts. Before such unfruitful efforts can be rechanneled to inform individuals and families, fundamental data must be collected to determine the direction in which to channel them.

Information about prospective adoptive parents is not as readily available as that relating to children awaiting adoption. Yet, a profile of families who have already adopted is critical to develop strategies for recruiting other families interested in, for example, older, handicapped children.

There are several categories of people for whom detailed information must be collected, including:

- Individuals and families who have already adopted one or more handicapped or hard-to-place children;
- Individuals and families who have adopted one or more healthy white infants;
- Individuals and families who are on waiting lists to adopt a healthy white infant;
- Individuals and families waiting to adopt hard-to-place and handicapped children; and

- Individuals and families who appear prime candidates to adopt hard-to-place or handicapped children but who indicate reluctance to adopt (e.g., some foster parents).

A detailed description (adopter profile) of the individuals in these categories should include such information as address, age, sex, income and other demographic data. In addition, it should include such personal characteristics as: personality traits; lifestyle preferences; attitudes about children and adoption; general values and beliefs; specific needs and wants; social affiliations; recreational pursuits; and, methods by which information is acquired by these individuals.

Such profiles have proved invaluable in other fields which routinely employ marketing techniques. In fact, current marketing practices require a customer or client profile before developing a marketing strategy, based on the assumption that the similarities among customers or clients can be categorized, measured and analyzed. The framework for identifying and measuring these categories is such a profile, upon which client behavior can be projected and influences on the client predicted.

Detailed analysis of information about adoptive parents and applicants, as well as information about foster parents who choose not to adopt, will offer an in-depth picture of the individuals in each category and highlight commonalities and differences among them. For example, analysis might indicate that people who adopt hard-to-place and handicapped children are usually affiliated with particular organized religions. This conclusion would help guide agencies in targeting their marketing and subsequent recruitment activities toward such groups. On the other hand, analysis might reveal that age and social factors discourage certain foster families from adopting.

Not only will such information assist in targeting groups likely to respond, but it will also prove useful in determining approaches to take in presenting information to the targeted audience.

Development of Strategies to Recruit Adoptive Applicants

Based on these profiles of waiting children and adoptive families, an effective, coordinated recruitment effort can be undertaken to stimulate interest in adopting. Two key elements to such efforts should be factored into promoting adoption:

(1) interpersonal influences on prospective adoptive families; and

(2) advertising techniques which prompt families to explore the possibility of adopting waiting children.

(1) Interpersonal Influences on Prospective Adoptive Families

Family, reference groups (e.g., church, social clubs, neighborhood, etc.), social class and culture merit attention in the development of strategies to promote adoption. Information about those who have already adopted or applied to adopt can be generalized in determining where to promote adoption. For example, if most adoptive families of hard-to-place or handicapped children learned of adoptive opportunities through places of worship, perhaps recruitment activities should focus on holding meetings with such groups, distributing brochures among them and establishing special programs (e.g., picnics with available children) to make the utmost use of this resource.

(2) Advertising

While employing methods to effect interpersonal influences on individuals with a potential to adopt provides an avenue for recruiting families for waiting children, properly targeted and wisely channeled advertising lies at the heart of a large-scale recruitment

effort. Through advertising campaigns, the attention of broad segments of the public can be directed to the availability of adoption of hard-to-place and handicapped children. The profile of established adoptive parents will help determine the approach taken in advertising the availability of children for adoption, as well as the direction of adoption services.*

The wise application of the adoption profiles helps to avoid advertising directed to an unresponsive or uninterested audience. Instead, the potentially interested audience can be identified and advertising techniques tailored to elicit their responses. For example, if the profile indicates that a significant portion of adoptive parents have many social, recreational affiliations, presentations at a meeting of one of the groups, combined with the endorsement of the group, would prove an effective means of stimulating consideration of adoption.

To date, such a calculated approach to advertising has not generally been undertaken by adoption agencies, although a number of agencies are clearly aiming public service announcements at specific segments of minority populations. Not only have agencies lacked the information about the characteristics of individuals most likely to adopt, they also lack the knowledge of how to target advertising effectively, were such information available. The data from the profile offers a basis for categorizing adoptive parents in order to make development of advertising techniques manageable.

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*At the same time, consideration should be given to whether the profile of existing adoptive families largely reflects the types of families recruited through previous marketing strategies. Perhaps new strategies would attract additional types of prospective adoptive parents.

Such categorization of prospective adoptive parents for advertising purposes can readily be based on: identification of groups of prospective adoptive applicants on the basis of their behavior, affilitations and self-reported desires and needs; determination of the relative accessibility of these individuals to adoption agencies through various means of communications; and assessment of the proportion of prospective applicants which can be identified and communicated with who will respond to adoption advertisements. An examination of these three factors results in a final analysis of whether, based on identity, accessibility and responsiveness, the potential for adoption within each category warrants the expenditure of time, effort and money on advertising and promotional activities. This information, in combination with data gathered about adoptive parents and applicants, helps assure the effective use of resources to promote adoption.

Once the groups with the highest probability of seriously considering adoption have been identified, the methods of advertising require serious exploration. Advertising can be described in terms of its content, scope, medium and audience. Analysis of adoption advertising from each of these perspectives helps shape the focus and goals of a campaign to promote adoption.

A. Content:

As noted earlier, the content of adoption advertising has been oriented toward promoting either the adoption of a single child or the general concept of adoption without emphasis on an individual child. In employing these approaches, little forethought has been given to the appropriateness and relative success of one approach

over another. Broad public service announcements using the mass media generally encourage adoption; printed photo-listings, accompanied by brief biographical comments, feature individual children.

In an attempt to link adoption in the minds of the public with images of hard-to-place and handicapped children, adoption advertising effects a combination of these two content orientations.

B. Scope:

The scope of an advertising campaign can be local, regional or national. Present adoption promotion efforts in New York State, with the exception of the photo-listing, are limited generally to a local area. Local mass media frequently offer free coverage of adoption to individual agencies soliciting their services. These media provide such services inconsistently depending on the requests of adoption agencies and the competition among other service organizations requesting such donated services.

Although the ultimate range of any advertising campaign is to cover all of New York State, it would be prudent to test the new content approach on a less extensive level. Three or four counties, varying in size, population, density and socio-economic mix, would offer ideal targets for field-testing a new advertising approach. If successful, (i.e. more adoptions of hard-to-place children take place), then the campaign should be spread throughout the State in stages.

C. Media:

Three media categories are traditionally used to classify advertising: print, broadcast, and direct. A fourth category, personal contact, has proved equally, if not more valuable in the advertisement of adoption.

The print media, primarily newspapers and magazines, offer a particularly effective method of communicating a great deal of detail to the audience. Our profile of adoptive applicants would indicate whether the target audience was oriented toward reading and whether its members acquired most of their information on topics like adoption from newspapers and magazines.

The broadcast media, radio and television, are the broadest and most pervasive ones. They are, however, also the most expensive. Unfortunately, the use of the broadcast media requires paying to reach many low potential consumers in addition to the select audience desired. Despite the high cost, broadcast messages may be the most effective means of communicating to a particular segment of the market. Some groups receive most of their information from television and radio, almost to the exclusion of other media.

The direct media include mail, billboards, handbills and "point of sale" advertising.

Well-designed, thoroughly tested direct mail campaigns aimed at carefully targeted audiences have produced remarkable results in the business world. The same approach might well succeed in the adoption arena. Since this technique is relatively new to the adoption field, it should be field-tested thoroughly; and, if successful, expanded in stages.

The non-commercial medium suggested earlier is the personal medium - one which is not directly available on a commercial basis. Word-of-mouth advertising by successful adopters is critical and should be encouraged and assisted. Such adoptive parent groups as the Citizen's Coalition for Children, Families for the Future and the Rochester Council on Adoptive Parents have proved far more effective than any existing advertising efforts in recruiting adoptive families.

D. Audience:

Advertising attempts to reach two audiences, the consumer and such reference groups of the consumer as family members, co-workers, friends and neighbors. While the bulk of adoption advertising should be aimed at prospective adoptive parents (i.e., consumers), some advertising efforts directed toward the reference groups to which prospective adoptive parents belong may enlist the active encouragement, support and endorsement of these groups.

Following Up On Inquiries About Adoption

Promotional activities to recruit potential adoptive families represent a part of the process of locating families for children free for adoption. The Child Welfare Reform Act calls for renewed efforts in adoption placement which requires concentrated effort by adoption agencies to maintain the interest of individuals in adopting. Further, in response to time-tables for reviewing adoption applications required in the Act, the adoption regulations proposed by the State Department of Social Services require that adoption agencies respond to inquiries about adoption "within five days of receipt of an inquiry, offering an invitation to an individual or group orientation session to take place no later than (within) 30 days after receipt of the inquiry" (proposed Section 421.11 of Title 18 of the NYCRR).

Following the stimulation of individuals' interest in adoption through marketing activities which result in the recruitment of prospective applicants, an agency must be prepared to respond to a possible deluge of telephone calls requesting additional information. Typically, following a successful advertising campaign, telephone calls to adoption agencies increase substantially.

Unfortunately, agencies have seldom made available sufficient staff prepared to answer the inquiries generated by the publicity.

In fact, adoptive parent groups have reported that members have called an agency after seeing its advertising and, in some instances, have received information contrary to that which was broadcast. Not infrequently, these members felt that they had been treated discourteously or were discouraged from applying to adopt a hard-to-place or handicapped child. Another concern often raised by adoptive parent groups relates to the inexcusable and frustrating delays between the point of inquiry and the time it takes potential applicants to receive additional information about the adoption process. These problems are addressed by and presumably will be resolved through implementation of the Child Welfare Reform Act and new State adoption standards.

In its 1977 report on adoption, Incentives to Adoptive Placements, the Temporary State Commission on Child Welfare summarized some of the then prevalent concerns it had identified relating to follow-ups on adoption inquiries. Among those it included was caseworker attitudes. The report noted that, because caseworkers are usually the first individuals with whom potential applicants meet after having their interest in adoption stimulated by recruitment efforts, caseworker attitudes toward placing older, handicapped and minority children are pivotal in ensuring these children adoptive homes. The Commission found that some caseworkers regularly try to convince desirable adoptive applicants to choose a less handicapped or younger child, even when a preference for a hard-to-place child has been expressed. Even more disturbing was the response of caseworkers surveyed by the Commission to the question: "Do you think every legally free child is adoptable?"

Approximately half answered that not every legally free child is adoptable. The conditions which, in these caseworkers judgments, excluded children from even the opportunity for a permanent home ranged from such serious conditions as Downs Syndrome and Tay Sachs Disease to subjectively defined child-centered problems and to the fact of previous prolonged institutional placement.

At that time, numbers of children with characteristics widely viewed as "unadoptable" had already been successfully adopted. Yet, among some caseworkers, the continuing reluctance to consider such children for adoption severely curtailed their prospects for adoptive placement. The Commission recommended special training of caseworkers to enable them to encourage and support the adoption of hard-to-place and handicapped children. This training should focus, noted the Commission, on assisting caseworkers in: developing a better understanding of the care required by children with various handicapping conditions; appreciating the importance of permanence to handicapped children; and using appropriate strategies for facilitating adoptive placements of hard-to-place children.

Some caseworkers have received training since the Temporary State Commission's study; attitudinal changes, however, have not been uniformly achieved. According to adoptive parent groups, caseworkers continue to discourage applicants from adopting certain children on the basis of their disability or behavior -- focusing on the negative aspects of such adoptions. While individuals inquire about adoption and the characteristics of waiting children, they may require reassurances about the rewards as well. Once comfortable with the idea of adopting a hard-to-place or handicapped child, prospective applicants are better able to discuss the special needs of the children,

the importance of their adoption and the possible difficulties some of the children may encounter, whether at school, at home or elsewhere.

Caseworker attitudes toward inquiring families play an essential role in determining whether or not a family pursues adoption. Some adoptive applicants and parents have expressed to the Commission their discomfort with the treatment received from adoption agency personnel. They indicated that they considered abandoning the possibility of adopting, based on their reception by caseworkers. While some of this reaction may have resulted from the self-consciousness of the adoptive parent, caseworkers may need to develop a sensitivity to such self-consciousness. The number of prospective parents who never apply to adopt because of their own adverse experience in inquiring about adoption will remain a mystery, but such reports suggest the importance of caseworkers' attitudes in promoting adoption. The New York State Citizens' Coalition for Children (COAC) recently conducted a survey of 24 adoptive parent groups to identify the range of experiences adoptive applicants have had as the result of recruitment efforts, particularly using the State's photo-listing.*

The following problems with agencies' responses were among those listed by COAC:

- agency workers were rude to prospective parents who contacted them;
- agency workers showed an obvious negative attitude;
- agency workers gave negative verbal information on a child from the start;
- local workers don't pursue placement of an out-of-area child;

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*New York State Citizens Coalition for Children, survey conducted in preparation for Institute on Adoptive Services in New York State (May, 1980).

- local workers don't act quickly on referrals;
- no accurate feedback is given to an interested family of the number of other families being seriously considered for a child; and
- children are withdrawn for no given reason.

If these reported responses reflect common attitudes of caseworkers toward prospective adoptive parents, a renewed emphasis on training and supervision is clearly indicated.

Inquiries by Minority Groups

Although approximately two-thirds of children awaiting adoptive placement are Black and Puerto Rican, the State Department of Social Services continues to rely on its network of traditional adoption agencies to recruit and provide services to minority families. The Director of Federal Region II Adoption Resource Center, Geraldine Esposito, in a presentation at the May 27, 1980 Adoption Action Institute sponsored by the State Communities Aid Association, noted that Black and Puerto Rican social work professionals, through their separate organizations, have strived to identify prospective adoptive families and to bridge "the gap between the ethnic communities and the traditional agencies which have historically had difficulties identifying and appropriately assessing ethnic minority families for ethnic minority children." (P. 2, unpublished).

Unfortunately, observes Esposito, the absence of established methods of collaboration between the Black Association of Social Workers and the Puerto Rican Association of Social Workers, on the one hand, and adoption agencies on the other, results in the loss of a potential resource for adoptive families. The problems encountered by minority families frequently occur after they learn about

adoption, when they seek additional information about the application process from traditional adoption agencies located away from their neighborhoods and with staff available to respond to questions only during the traditional work day. Additional frustrations may be met by some Hispanics, for whom English is a second language, who apply to adopt through agencies which employ no Spanish-speaking staff.

A recent exception to this unfortunate pattern, which is worthy of emulation, was an Adoption Exchange Conference held last month by New York City in cooperation with the New York Council on Adoptable Children, the Association of Black Social Workers, and the Region II Adoption Resource Center. This conference involved a slide presentation to potential adoptive parents of minority children available for adoption from some 40 agencies, and narrated by social workers who know the children.

Summary and Recommendations

Inconsistent and unsystemmatic recruitment efforts may deprive legally freed children of the opportunity to live in the permanence of an adoptive home. Presently, each adoption agency assumes primary responsibility for planning and implementing its own recruitment strategies, relying on the good will of the media to feature adoption services and attempts to employ various other methods to communicate the availability of children for adoption to the public. The success of this potpourri of undirected and fragmented activities is questionable. There is certainly little doubt among adoptive parent groups and some adoption agency personnel, as well as the Commission members, that a more coordinated and targeted approach to recruitment will stimulate the public's interest in adopting hard-to-place and handicapped children.

In finding parents for waiting children, preparations for following-up on inquiries about adoption plays a role as important as recruiting. These preparations include more than merely making staff available. The agency must be ready with sufficient trained staff to respond to questions and must have a positive attitude about the adoption of hard-to-place and handicapped children. Presently, this is often not the case. In fact, an unknown number of prospective adoptive parents never make an application to adopt, or their application is delayed because one or all of the elements necessary for following-up on inquiries is absent. The result is that children remain longer in foster placements waiting for an adoptive home, sometimes fruitlessly.

Implementation of the Child Welfare Reform Act, with accompanying financial and programmatic implications for an agency's failure to provide adoption services in a timely fashion, should cause adoption agencies to seek remedies to the problems they encounter in recruiting adoptive parents for their children. To ensure coordination of activities and to ensure that the most diligent possible efforts are made to recruit adoptive families, I urge the Legislature to appropriate funds for marketing research and advertising to enable the State Department of Social Services to contract with a qualified market research firm to initiate the following measures:

1. Develop and Distribute Profiles of Legally Freed Children

   Such profiles might be adequately captured in the State's publication Waiting Children when this photo-listing includes all children whose photo-listing is required by the Child Welfare Reform Act, rather than just a handful.

2. Develop Profiles of Prospective Adoptive Individuals and Families

   These profiles should describe the personal characteristics of and demographic information relating to individuals and families who have adopted already or who have applied to adopt.

3. Develop Comparative Profiles of Foster Families which Adopt (or seek to adopt) Children and those Foster Families which do not

   A study of the differences between these related groups may offer clues not only to more effective targeting of prospective adoptors among foster parents but also yield useful clues in targeting adoptive prospects among tne general population. The relative abundance of information concerning foster parents and their greater and more convenient accessibility to inquiries makes them a desirable group for more intensive and, one hopes, more rewarding study.

4. Initiate a Statewide Recruitment Effort for Families for Children Awaiting Adoption

   A variety of techniques to recruit individuals and families interested in adoption already have been employed by adoption agencies and still others have been recommended. These should be initiated on a coordinated basis under the aegis of the State Department of Social Services. Some of these techniques, such as the Regional Adoption Program, have been field-tested and, with modification, could be implemented statewide. Others, such as mailings, may merit trial on a regional basis prior to consideration of a full-scale statewide basis.

In addition, the State Department of Social Services should:

1. Centralize Responsibility for Coordinating Recruitment Activities

   The State Department of Social Services should explicitly undertake primary responsibility for developing and overseeing the implementation of marketing strategies, using the profiles of legally freed children and adoptive parents, to assure coordination of efforts and to prevent wasted effort. Such centralized coordination will facilitate evaluation of the success of various strategies employed to recruit families and will fix accountability for the State's adoption recruitment efforts to locate homes for its waiting children.

A primary means of disseminating information about and stimulating interest in adoption is through such community groups as social clubs, religious and service organizations. Currently, adoptive parents and adoption agency personnel arrange meetings with such groups through personal contacts. The State should systematize such efforts by establishing a core of individuals, including adoptive parents and social workers, trained to present information about such subjects as the children available for adoption, the application and adoption process, and the availability of adoption subsidies.

2. Centralize Responsibility for Coordinating Follow-Up Services

With centralization of responsibility for coordinating recruitment in a single agency, coordinated follow-up services should also be centralized to ensure that individuals inquiring about adoption are encouraged to pursue their interest. The Statewide Adoption Service should have a bilingual staff available to assume responsibility for responding to inquiries about adoption through its toll-free telephone number. If the inquirer is interested in learning even more about adoption, the staff should immediately mail literature which describes:

a. the adoption process with an estimate of the time each step should take;

b. the adoption subsidy program; and

c. the rights of adoptive applicants to a fair hearing.

In addition, the names and addresses of adoptive parent groups in the inquirer's geographical area should accompany this informational package, along with the addresses of two or three child welfare agencies. The Adoption Service staff should maintain comprehensive information about the inquiries it receives to review later with the agencies involved to determine whether individuals actually pursue their interest in adopting by contacting the agency and making application to adopt.

For individuals making inquiries directly of child welfare agencies, literature should be distributed directly by the agency which receives the inquiry and the staff at the toll-free number should be notified of the inquiry. With this information, a log can be maintained of the total volume of inquiries made about adoption for use in both evaluating the effectiveness of recruitment efforts and for monitoring the progress of inquiries toward adoption.

3. Provide for the Establishment of Additional Adoption Agencies to be Operated by Minority Groups

At present, only a handful of adoption agencies are operated and staffed by minority groups. In order to encourage Black and Puerto Rican adoptions, agencies with staff predominantly of similar ethnic and cultural backgrounds, rooted in minority communities, are essential to assuring accessibility to adoption services. Since over half of the 8,300 children for whom the goal is adoption are Black or Hispanic, increased emphasis must be placed on locating adoptive families for children from minority groups. If necessary, public or foundation funding should be pursued for the establishment of such adoption agencies.

REIMBURSEMENT FOR ADOPTION SERVICES: A DETERRENT

A fundamental shortcoming of the State's adoption program centers on its method of reimbursing for adoption services. The present formula for paying for adoption services provides that the State reimburse local social services districts for 75 percent of the costs involved in providing adoption services, after first deducting federal funding. Thus, the county absorbs a proportion of the costs of adoption services regardless of whether the adoption results in the placement of a child from the paying county or from another county.

Revision of the State's reimbursement formulae by enactment of the Child Welfare Reform Act fails to relieve local social services districts of this burden. In fact, several provisions in the new statute may inadvertently exacerbate the problem. By imposing penalties on agencies for inappropriately retaining children in foster care, social services districts and voluntary adoption agencies will naturally focus their adoption activities on children placed in their care rather than children in the care of other adoption agencies.

Implementation of a provision of Chapter 558 of the Laws of 1978, which created a new Section 372 (d) of the Social Services Law, was intended to help overcome this problem. As noted earlier, this statute provided for the State Department of Social Services to provide directly or purchase adoption services to facilitate the placement of children freed for adoption for over six months and not yet placed in an adoptive home. The costs of providing such services then would be charged to the agency to which care of the child was assigned. Use of this provision by the State Department of Social Services would relieve the financial burdens of local social services districts which routinely conduct recruitment and home study activities for children in the care of social services officials of other counties by requiring the official caring for the child to pay for services.

Unfortunately, the State Department of Social Services chose to ignore the powers vested in it by Section 372 (d). In fact, four years subsequent to the creation of such a provision, the Department has yet to issue regulations or policy related to this financial and programmatic remedy. In its proposed adoption regulations (Section 421.22 of Title 18 of the NYCRR), the Department indicates no plans to alter the unsuitable reimbursement arrangement for adoption services. These regulations, if implemented, would provide that each local social services district "bear the cost of services provided directly" (Section 421.11 (a)). Thus, a district would be expected to pay for orientation and home studies of adoptive applications, even if the applicant planned to adopt a child from another county.

The proposed regulations also provide for reimbursement to voluntary adoption agencies for the provision of adoption services. The regulations would require the district bearing financial responsibility for the child who is adopted to reimburse the agency for:

(1) the cost of evaluating the child's placement needs and preparing the child for adoption;

(2) the cost of recruiting, evaluating and training prospective adoptive parents;

(3) the cost of placement planning, supervision and post-adoption services; and

(4) the cost of services which do not result in adoption, including recruitment, home study and training services to prospective parents, as well as of placement planning and supervision.

Furthermore, this proposed apportionment of adoption costs fails to change the current reimbursement methodology for adoption services. Districts may continue to pay agencies a single fee to provide adoption services at the time a child is adopted. This fee includes payment for the full range of adoption services. Traditionally, the amount of this one-time payment is determined by districts based on the amount of such payments historically, rather than the costs involved.* The proposed reimbursement scheme fails to change existing practice, thereby restricting the ability of voluntary agencies to expand visiting, recruitment and services or to introduce new initiatives.

*Typically, such payments for adoption services fall below $2,000 which has proved a woefully inadequate sum for the provision of services to many handicapped and hard-to-place children.

Alternative Payment Arrangements

Clearly, a critical factor for ensuring the adoption of hard-to-place and handicapped children has still not been addressed by the State Department of Social Services. Yet, a major federal research project conducted at the request of, and on the very doorstep of, the Department by Welfare Research, Incorporated, addressed the problem of reimbursement for adoption services.* After reviewing the provision of adoption services and methods employed for such services nationally, one of the recommendations forthcoming was for multiple payments for adoption services in recognition of the discrete costs related to adoption services, some of which are associated directly with an individual child (i.e., the cost of evaluating children's placement needs, planning, supervision and post-adoption services) and others are associated with the general provision of adoption services (i.e., recruitment, home study and training of adoptive parents and staff).

Reimbursement for the real costs of providing these services may be provided to public and voluntary agencies alike, or voluntary agencies exclusively, in several possible ways. The Model State Adoption Payment System Project considered each of the adoption payment methodologies that had been proposed or implemented by one or more states or adoption agencies across the nation.

The outcome of the Project's efforts included two alternative approaches for paying agencies for providing adoption services. The

* The Model State Adoption Payment System Project, a two-year research and demonstration project funded by U. S. Department of Health, Education and Welfare (Grant No. 18-P-90278/02). Its final report, issued in May, 1978, carries the same name as the Project.

first, The Model Adoption Payment System, is a comprehensive system for paying agencies in four payments for costs incurred for services that begin with identifying adoption as a goal for a child and end one year after the child's adoption. The second model, The Model Purchase of Service System, is a two-payment system for paying agencies for services to children following termination of parental rights and for recruitment and home study activities. Both these models merit closer attention by New York State.

The Model Adoption Payment System

The conceptual framework of this Model stems from, in large part, data gathered from state and private agency administrators. Payments to adoption agencies are made for provision of the following seven areas of services, which closely resemble the elements of adoption services which are mandated in proposed New York regulations: (1) pre-placement planning for a child's adoption; (2) services to terminate parental rights; (3) recruitment of adoptive applicants; (4) home study and evaluation; (5) planning for a child's placement in a specific home; (6) supervision of adoptive placements between the time a child begins to live with an adoptive family and the child is adopted; and (7) services provided the child and family for one year following the adoption.*

These seven services areas, combined with management elements necessary to implement payment, provided the basis for a payment system which has been adapted successfully for use in Minnesota

* For a more detailed description of each of these services, see page 13 and Appendix C of The Model State Adoption Payment System Project.

and North Carolina. Such management elements include systems for budgeting, accounting, time recording, reporting and reimbursement payments.* The four payments proposed in this model were to be disbursed in the following intervals (pp. 28-35):

Payment 1: Services to Free the Child for Adoption

This payment, made upon freeing a child for adoption, is determined by computing the actual cost of staff time spent in providing services to terminate parental rights and an average cost for legal services.

Payment 2: Reimbursement for Recruitment, Screening of Adoptive Applicants and Preplacement Services

This payment, made at the time a child is placed in an approved adoptive home, would be based on the actual staff time spent in conducting preplacement activities and the average recruitment and screening costs.

Payment 3: Reimbursement for Post-Placement Services

At the time of a child's adoption, the agency would receive payment for its actual time spent in providing services to a child and family from the time the child was placed with the family until the child's adoption by the family.

Payment 4: Post-Adoption Services

Approximately one year after the child's adoption, an agency would be eligible for payment for the actual staff time invested in providing service to the newly adopted child and his or her adoptive family.

The Model Adoption Payment System offers a method for New York State to pay the social services district or voluntary agency directly for its contribution toward placing a child in an adoptive home. Thus, agencies would be encouraged to recruit and screen adoptive families for children statewide and to provide necessary post-placement and post-adoption services to children previously in foster care in another jurisdiction. Ultimately, this payment approach would

* For a description of these management elements, see pp. 20 and 21 and pp. 35 and 36 of The Model State Adoption System Project.

relieve one of the concerns raised by social services officials about the potential fiscal burdens resulting from inter-county adoptions.

The Model Purchase of Service System

This model essentially represents a simplified version of the Model Adoption Payment System by merely providing agencies two payments for adoption services, the first for recruitment, screening and pre-placement activities (see payment 2 above) and the second for post-placement activities (see payment 3 above). This model is proposed with an assumption that services to terminate parental rights routinely are borne by the social services district which has on-going financial responsibility for the child. Under the model, payments for services to terminate parental rights are presumably included in reimbursement for foster care services and would not require separate payments.

The design of this model further assumes that no separate payment need be made for provision of services to an adoptive family after the completion of an adoption. Presumably, such existing funding sources as preventive services already provide for services to help families remain intact. Proponents of The Model Purchase of Service System could argue that, once children are adopted, the children and their adoptive families are entitled to such existing services and should not receive services funded under the adoption network.

The Model Purchase of Services System, because of its specifically defined scope, allows for ready reimbursement to agencies which provide adoption services exclusively. This payment model offers a method to the State and local social services districts to pay for adoption services to be provided by agencies with no investment in

maintaining a foster care network of services. Thus, the establishment of new adoption agencies by minority groups would be facilitated by use of such a model.

Recommendation

I recommend that the State develop a multi-payment approach to encourage agencies to recruit actively homes for hard-to-place and handicapped children. This payment approach should be based upon the actual costs of providing adoption services to children freed for adoption and families and individuals interested in adopting them.

The implementation of a multi-payment scheme will result in a more equitable distribution of the expenses of placing children in adoptive homes by requiring a social services district to pay the cost of services provided children in its care when provided by another district. Moreover, if funding were assured for providing adoption services to children from other districts, social services officials would be encouraged to participate in regional and statewide recruitment efforts. Multi-payments to voluntary agencies could result in increased payments to reverse the current inadequacy of adoption reimbursement only if the State opts to pay agencies their actual adoption costs or a greater portion than the present low level of less than $2,000 per adoption (compared with the $6,000 to over $50,000 range of annual reimbursement rates for retaining children in foster care).

CONCLUSION

During the last decade the State of New York, through public policy utterances (both legislative and administrative), has declared the adoption of homeless children to be a human services priority. It is unreservedly the public policy of the State to encourage and facilitate the securing of permanent adoptive homes for children wherever possible. And as the problems of foster children in need of permanent adoptive homes become ever more complex, our adoption services efforts must become more creative and aggressive in commitment and approach. In attempting to meet the dictates of public policy, New York must no longer be tied to time-honored and now shopworn solutions. New initiatives must be taken, new attitudes and orientations to serve children's needs need to become part of the fabric of the child welfare system. Our children demand nothing less.